

108TH CONGRESS
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H. CON. RES. 27

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2003

Received and referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

Whereas on January 20, 2003, Libya, a gross violator of human rights and state sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights (“Commission”), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system which governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the South African Government's decision to support Libya's election was an insult to human rights and that African countries "should have supported a candidate of whom all Africans could be proud";

Whereas Amnesty International has repeatedly documented that Libya's human rights situation continues to seriously deteriorate with gross violations taking place systematically, extrajudicial execution used against government opponents, and political detainees routinely tortured physically and psychologically during interrogation, with some detainees dying in custody as a result;

Whereas Human Rights Watch recently underscored that "[o]ver the past three decades, Libya's human rights record has been appalling" and "Libya has been a closed country for United Nations and nongovernmental human rights investigators";

Whereas Human Rights Watch further stated that "Libya's election poses a real test for the Commission . . . [r]epressive governments must not be allowed to hijack the U.N. human rights system";

Whereas the Lawyers Committee for Human Rights stated that "the Government of Libya should not be entrusted

by the United Nations to lead its international effort to promote human rights around the world”;

Whereas Freedom House declared that “[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the UN’s main human rights monitoring body . . . [t]his will undermine the UN’s moral authority and send a strong and clear message to fellow rights violators that they are in the clear”;

Whereas on November 13, 2001, a German court convicted a Libyan national for the bombing in 1986 of the La Belle disco in Berlin, in which two United States servicemen were killed, and the court further declared that there was clear evidence of responsibility of the Libyan Government for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American Airline Flight 103 en route from London to New York that crashed in Lockerbie, Scotland, killing 259 passengers and crew, and 11 others on the ground;

Whereas a French court convicted six Libyan Government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas United Nations Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in third

countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all member states, and further expressed the intention of the United Nations to consider additional measures if the accused individuals for Pan Am Flight 103 and UTA Flight 772 bombings had not arrived or appeared for trial promptly in accordance with paragraph 8 of the Resolution;

Whereas in January 2001 a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said it accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002 Scottish appeal judges in the Netherlands upheld his conviction;

Whereas as recently as January 12, 2003, Libyan leader, Moammar Gaddafi, in an interview with Newsweek-Washington Post reporter, Lally Weymouth, failed to accept responsibility for the attack and had the audacity of calling for the United States to share the burden of compensation;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded vote on Libya's chairmanship;

Whereas Canada and one other country joined the United States in voting against Libya and 17 other countries abstained;

Whereas the European Union's common position was to abstain from the vote objecting to Libya's selection as chair of the Commission;

Whereas 33 countries ignored Libya's record on human rights and status as a country subject to United Nations sanctions for the terrorist bombing of Pan Am Flight 103 and voted for Libya to lead the Commission;

Whereas the majority of these countries are United States foreign aid recipients;

Whereas the selection of Libya to chair the Commission is but the most recent example of a malaise plaguing the Commission, whereby its credibility has been called into question in recent years as its membership ranks have swelled with other egregious human rights violators;

Whereas the United States' challenge is part of a broader effort to reform the Commission, reclaim it from the oppressors, and ensure that it fulfills its mandate;

Whereas on January 20, 2003, Ambassador Kevin Moley, United States Permanent Representative to the United Nations and Other International Organizations in Geneva, emphasized that "[w]e seek to actively engage and strengthen the moral authority of the Commission on Human Rights, so that it once again proves itself a forceful advocate for those in need of having their human rights protected . . . [w]e are convinced that the best way for the Commission to ensure the ideals of the Universal Declaration of Human Rights over the long-term is to

have a membership comprised of countries with strong human rights records at home”;

Whereas a majority of the 53 member states of the Commission are participants in the Community of Democracies and signed the Seoul Declaration of November 12, 2002, calling upon democratic nations to work together to uphold the principles of democracy, freedom, good governance, and accountability in international organizations;

Whereas the participants in the Seoul Ministerial meeting of the Community of Democracies issued a Statement on Terrorism in which they “strongly denounced terrorism as a grave threat to democratic societies and the values they embrace . . . [they] reaffirmed that terrorism constitutes a threat to international peace and security as well as to humanity in general and indeed to the very foundation on which democracies are built . . . [and] [t]he most recent terrorist attacks confirm that international cooperation against terrorism will remain a long-term effort and requires a sustained universal commitment”; and

Whereas although United Nations sanctions against Libya have been suspended, the sanctions remain in effect, and Libya’s continued status as an international outlaw nation and its continued unwillingness to accept responsibility for its terrorist actions should bar it from consideration as a candidate for membership in the United Nations Security Council or any other United Nations entity or affiliated agency: Now, therefore, be it

- 1 *Resolved by the House of Representatives (the Senate*
- 2 *concurring), That Congress—*

1 (1) strongly condemns the selection of Libya to
2 chair the United Nations Commission on Human
3 Rights (“Commission”);

4 (2) commends the President and the Adminis-
5 tration for the principled position of the United
6 States in objecting to and calling for a vote on
7 Libya’s chairmanship of the Commission;

8 (3) commends countries which joined the
9 United States in objecting to Libya’s selection as
10 chair of the Commission;

11 (4) expresses its dismay at the European Union
12 common position of abstention on the critical vote
13 over Libya’s chairmanship;

14 (5) is appalled at the support provided to Libya
15 in its efforts to lead the Commission;

16 (6) will hold accountable countries who voted in
17 favor of Libya’s chairmanship;

18 (7) highlights its grave concern over the con-
19 tinuing efforts of human rights violators and ter-
20 rorist countries to use international fora to legiti-
21 mize their regimes and continue to act with impu-
22 nity, and calls on the President to raise United
23 States objections to such efforts during bilateral and
24 multilateral discussions and to direct pertinent Cabi-
25 net secretaries to do the same;

1 (8) calls on countries at various stages of de-
2 mocratization to demonstrate their commitment to
3 human rights, democracy, peace and security, and
4 support efforts to reform the Commission;

5 (9) calls on the President to instruct the Sec-
6 retary of State to consult with the appropriate con-
7 gressional committees, within 30 calendar days of
8 adoption of this resolution, regarding the United
9 States priorities and strategy for the 59th session of
10 the Commission on Human Rights and strategy and
11 proposals for reform of the Commission;

12 (10) calls on the President to issue an objection
13 to the continued suspension of sanctions against
14 Libya and to call for their full reinstatement until
15 Libya publicly accepts responsibility for the Pan Am
16 Flight 103 bombing, provides appropriate compensa-
17 tion to the victims, and is in full compliance with all
18 of the other requirements of the United Nations
19 sanctions imposed as a result of Libya's orchestra-
20 tion of the Pan Am 103 terrorist attack; and

21 (11) calls on the Secretary of State to engage
22 member countries to support United States efforts
23 to ensure that states that are gross violators of
24 human rights, sponsors of terrorist activities, or sub-
25 ject to United Nations sanctions will not be elected

1 to leadership positions in the United Nations Gen-
2 eral Assembly nor will they be elected to membership
3 or leadership positions on the United Nations Com-
4 mission on Human Rights, the United Nations Secu-
5 rity Council, or any other United Nations entity or
6 affiliated agency.

Passed the House of Representatives February 11,
2003.

Attest:

JEFF TRANDAHL,
Clerk.